

CROSS-PARTY GROUP on CROFTING

Meeting 33 of Parliamentary Session 4

Scottish Parliament, room Q.1.03

Wednesday 10 February 2016 at 17.30

MINUTES

Present:

Jamie McGrigor MSPⁱ (Chair)
Patrick Krause SCF (Sec)
Lucy Sumsion NFUS
Sandy Murray NFUS
John Brownlee SG
Ian Davidson SG
Catriona Maclean CC
Lucy Carmichael SG
Sandra Holmes HIE
Russell Smith SCF
Jean Urquhart MSP

Douglas Pattullo office of J McGrigor MSP
Craig Smith SG
Donald MacKinnon SCFYC
Lynsey Muir Lantra
Pam Rodway CCx
Fiona MacKenzie UHI
Fiona Mandeville SCF (vⁱⁱ)
Maria Scholten SCF (v)
David Muir SCF (v)

1. Welcome and Apologies

The chair welcomed everyone and asked for introductions. Apologies were received from Dave Thomson MSP; Angus MacDonald MSP; Rhoda Grant MSP; Rob Gibson MSP; Tavish Scott MSP; Derek Flynn SCF; Jim McPherson SCF; Brian Inkster CLG; Neil Ross HIE; Gordon Jackson SG; Colin Kennedy CC; Jamie McIntyre WCP; Siobhan MacDonald SAC; Jeanette Sutherland SAC; Robin Haig SCFYC; Maddy Norval SCFYC; Chris Bathgate SRN; Billy Nielsen NFS; Clare Slipper NFUS; Tom Edwards SPICe; Murdo MacKay CnES; Andrew Midgely SLE; Ross McLaren SCRG.

2. Minutes of the previous meeting 16 December 2015

The minutes were approved.

3. Matters Arising

Actions completed (one letter to minister re. the five priorities for crofting and including CCx).

4. The creation of new crofts

4.1 Intro by Russell Smith, SCF

- Very strong steer from Future of Crofting Conference for simultaneous creation of new crofts as well as getting existing crofts back into use.
- Creating new crofts required as well as moving forward on neglect – not an either/or choice – both to be pursued.
- Creating new crofts by sub dividing has its place but we are talking here about bringing new land into crofting tenure.
- Both in existing crofting counties and in new areas (Moray, Arran).
- Barriers to creating new crofts?
 - Legislation too complicated;
 - Right to buy puts landlords off (but can be written out);

- No one promoting benefits (HIE supporting if asked);
- Planning rules do not help eg in Assynt;
- Valuation of public land eg Embo Forestry buy out.
- Also need to consider "what is a croft?"
 - SCF has working group and is creating a paper, but not concluded. It will include:
 - Is there a minimum size?
 - Is there a maximum size?
 - Does it need a house?
 - Must there be access to common grazings?
 - Must there be an existing crofting community?
 - Do we need to / how do we determine economic or agricultural viability given that crofts are traditionally part time?
 - etc
- Opportunities
 - Community land buy outs;
 - Scottish Government estates;
 - Forestry Commission land;
 - Private land;
 - Converting existing smallholdings.
- Crofting brings proven benefits so need to promote.

Discussion

Chair: Crofting is a good thing so it follows that we should do it more. It is very good for maintaining population in rural areas. Scottish Government has an objective to sustain rural populations so should support the creation of crofts.

4.2 Sandra Holmes of HIE gave an update on the next phase of the Scottish Land Fund which is about to be launched.

HIE and Big Lottery Fund have been delivering the Scottish Government's Scottish Land Fund from 2012-16. The fund supports rural communities (settlements of up to 10,000 people) to acquire land and land assets (woodlands, sporting rights, buildings) for community benefit. The current fund is now closed to new applications and invested £9.94m to support 52 groups to purchase 90,260 acres (36,526 hectares).

A new Scottish Land Fund (2016-2020) will be launched shortly, and hopefully open in April 2016. Scottish Government has committed a budget of £10M (significant uplift) for the first year. The new Fund will extend to all communities in Scotland; urban as well as rural to align with forthcoming changes to the Community Right to Buy which will also extend to all communities from April 16.

The SLF could potentially support the creation of new crofts through funding support to acquire land.

The new fund will continue to:

- Support communities to become more resilient and sustainable through the ownership and management of land, buildings and associated assets.
- Be open to applications from organisations that are community-led, community-controlled, and defined by a geographic area.
- Enable communities to successfully manage local land and land assets to meet local need and deliver benefit for the whole community
- Help communities realise the opportunities created by the Land Reform (Scotland) Act 2003
- Be delivered by a partnership between HIE and Big Lottery Fund with an SLF Adviser allocated to work with all applicants

- Be overseen by an independent Committee who make capital funding decisions

Additional features of the new phase:

- The Fund will run from 2016 - 2020
- The Scottish Government has committed £10 million to the Fund for 2016-17 - more than trebling previous annual funding
- For the first time community organisations in urban areas will be eligible to apply. This will align the Fund with the provisions of the Community Empowerment Act which extends the Community Right to Buy to the whole of Scotland.
- Additional assistance at the initial stage of developing your proposal will be available across the whole of Scotland
- Extended support for groups once they have acquired their asset - for up to 3 years
- The maximum value of an award will rise to £1m

A launch date will be advised in due course. For more info see:

<https://www.biglotteryfund.org.uk/scottishlandfund>

4.3 Jamie McIntyre of the Woodland Crofts Partnership sent the following update:

3 Key Points on the need for more Woodland Crofts

1. To date, known, registered demand for woodland crofts exceeds creation of new woodland crofts by more than 10 to 1.
2. The aspiration of the Scottish Crofting Federation to see 5,000 new woodland crofts would require less than 10% of the current woodland area of the Highlands & Islands, even if each were a generous 10ha. There is therefore no conflict with existing forestry interests from a significant expansion of woodland crofts.
3. Even 5,000 new woodland crofters, added to the small number of existing personal woodland occupiers in the Highlands & Islands, would represent a fraction of the numbers seen abroad. For example woodland owners in Scandinavian countries typically number several hundred thousand.

Background to the above:

1. The Woodland Crofts Partnership maintains a Register of Interest of those looking to obtain a woodland croft, which currently includes 137 names. This will inevitably under-represent true demand, as not everyone will be aware of the Register. Since the creation of new crofts became possible in 2008, 9 community woodland crofts have been established plus a very small number of private ones. Hence demand outstrips supply by more than 10 to 1.
2. Public information on regional forest cover is not easily available. However, from a combination of sources including historic inventory data and local authority forestry strategies it can be concluded that woodland cover in Argyll & Bute, Highland and Western Isles Council areas combined totals at least 550,000ha (and probably more by now). 5,000 woodland crofts each at 10ha would therefore represent 9% of total woodland cover. Given ongoing and future woodland expansion this proportion is likely to be rather less in practice. Furthermore, some of this area will currently be unavailable to 'traditional' forest management approaches (eg due to site constraints), but for which a woodland crofts approach may be feasible.
3. Detailed official information on forest tenure is not collected or published in Scotland. However the Forest Policy Group published scoping research on the subject in 2012 ("Forest Ownership in Scotland – a scoping study", available via their website). This concluded that there were a little over 4,000 private owners of woodland in Scotland, of which 46% were absentee; suggesting therefore around 2,200 resident woodland owners. At present the rented woodland sector is minimal, so 5,000 new woodland crofts, added to existing resident forest owners, would total around 7,200 *occupiers* of woodland (over the whole of Scotland).

By comparison woodland ownership figures for Scandinavia are as follows: Denmark - 25,000; Norway - 120,000; Sweden – 355,000; Finland – 920,000 (*Source: Nordic Family Forestry*). Half of Finnish forest owners live on their holdings.

Jamie McIntyre

Woodland Crofts Partnership, February 2016

Discussion

Valuation has been a hindrance to purchasing public land but new legislation under the Community Empowerment Act will help to make it more workable.

Q: Will SLF support purchases of public land?

A: Yes, SLF support purchases whether public or private.

Q: What about JMT land?

A: A community body can register interest in purchasing JMT land, as with any private landlord. Ordinarily it would require a willing landlord.

The Woodland Croft Partnership needs funding to promote woodland crofts and to provide guidance and help to create them.

5. Crofting Development (*Standing item*)

5.1. Report back on the Crofting Stakeholder Forum 'Action Plan'

Catriona MacLean gave an update: The five priorities of action for crofting have been agreed by the Crofting Stakeholder Forum and presented in a letter to the minister for crofting Dr Aileen McLeod. They are:

Area of action	Recommendation
1. Simplify Crofting Legislation	Give this group the task of developing the bones of a new Act
2. New Entrants	Make crofts available
3. Increase Affordable Housing	Through a meaningful grant and loan system, do more to help new entrants / crofters get access to affordable housing in rural and island communities
4. Development of Crofting	Funded lead body on crofting development
5. Financial Incentives	Ensure current and future P1 and P2 policies have a positive impact on crofting

The SGCSF is working on putting more 'meat' on them.

5.2. Progress on Croft House Grant Scheme

A letter from the minister has been circulated.

Lucy Carmichael gave an update: A targeted consultation has been sent to key stakeholders and SG has received 8 responses. Grant rates have been uplifted (higher than originally planned). New guidance and arrangements will be issued 01 April.

The SG will circulate summary of stakeholder responses on reintroduction of loans for croft houses.

5.3. Other updates from SG, agencies and NGOs

Pam Rodway gave an update on Crofting connections:

Funding has been secured until March 2016 and the project is in dialogue with funders for 12 months of funding till March 2017. If successful, the project will use that period to explore a truly sustainable funding strategy so that Crofting Connections can continue to support schools and their communities. The project spans a range of government policy areas, including education, crofting and rural community development, which makes it difficult to go to one source of funding.

One recent successful event was Ceangal, in June 2015, at the Nicolson Institute, where 106 S6 pupils participated in a two-day event looking at the possibilities for future employment in Lewis, including visits to crofts and local businesses. As a result of the visit of the Gaelic Higher class to BBC Alba, pupils, teachers and crofters recorded a live programme and one pupil was signed up for a work placement over the summer. BBC Alba has now made a formal link with the school.

Another exciting outcome was that teachers had a meeting with representatives from all the community-owned estates in Lewis (Agnes Rennie from Galson Estate had given a talk to the Modern Studies class at the event) to see how they could work together. They are designing a course of study for S1 or S2 pupils on community ownership of crofting estates.

6. CAP and Crofting (*Standing item*)

6.1. SG update on CAP payments and SRDP schemes

Ian Davidson gave an update:

Basic Payments (pillar 1). The Cabinet Secretary met with stakeholders – SCF was present – to explain the reasons for the delays and what is being done to get payments out. Payments cannot be made without validation by EC. 35% of claimants have received payments of 80% of their claim. Weekly updates are being issued.

Indicative letters showing the number and initial value of entitlements were expected to issue by end of January and most have gone out now. These would provide an indication of payment amounts. SG has a helpline for crofters with any questions about payments: 0300 300 2222.

Discussion

Q: Is this a lesson for the future?

A: Complexity brings problems and inevitable delays and this was self-inflicted to an extent - NFUS were warned that their 3 regions proposal would likely delay payments and they were ok with this.

Multiple regions cause delays. England has had several regions since 2005 so it is simple now. Wales and NI have only one region.

Q: The SG consultation responses showed most wanted at most two regions, but Cabinet Secretary announced three. Why?

A: Chair: because NFUS demanded them.

Changes for 2020 need to be suggested now.

SRDP. Offer letters are going out; these are 'letters of comfort' as the payments cannot be made yet – all efforts are directed to getting Basic Payments out.

There will be an option to transfer more from pillar 1 (basic payments) to pillar 2 (SRDP) in 2017.

ANC will go out to public consultation later this year.

CAP stakeholder Group meets on 16 March.

Discussion

Q: Will there be a knock-on to LFASS; will it get paid in March?

A: That cannot be promised.

There are tax implications if this year's payment and next year's come in the same tax year.

2. Weather aid update

The weather Aid Working Group has been preoccupied with flooding, though there is some on-going mitigation to the problems caused by last year's poor season. SRUC have published a study. Local Authorities are managing funds to help with dwellings, farm building and businesses affected by floods.

7. Crofting Legislation and Administration (*Standing item*)

7.1. Progress on regulation

Catriona MacLean gave an update on the commission's activity.

The new streamlined regime is seeing cases going through faster. Croft registration is the sticking point. The Croft Information System goes live in February – this will speed up processing time. New forms are much better aligned.

The 2015 croft census went out in December. 2000 forms have been returned with amendments.

CC are in discussion with SG regarding the SG crofting estates and how to get crofts back into use.

A young person with autism is doing a work placement in CC – proving very successful.

The draft business plan and budget have been approved by the board.

Discussion

Q: What is 'follow up' of people in breach of duties?

A: CC contacts people and helps them to comply, education through to needing action. The biggest update to the RoC for 60 years was the priority, but will be looking to follow up in the year to come.

Q: the 2010 Act says that new landlords have to re-register the crofts on their estate. A community landlord will have very limited reserves so having to re-register all crofts could be virtually impossible or ruinous. This can be a huge disincentive to register for a community buyout – yet the SG has a target to increase community buyouts.

A: RoS fix the fee which is based on Full Cost Recovery (in legislation). The CC do the administration but get none of the fee – which was a deal struck to reduce the cost to the crofter and / or landlord. Registration doesn't just happen once – it is a continual relationship between the crofter / landlord / RoS.

Action: Secretary to contact RoS for clarification.

2. Progress on legislation

The CLG will hold its conference in March in the Signet Library, Edinburgh.

8. AOB

Two issues were raised from Uist – geese and ferries. A note is attached.

The group held its final AGM. Jamie McGrigor MSP and Jean Urquhart MSP were thanked for the time and commitment they have given as convenor and vice-convenor.

Legacy. It was agreed that the group will be reconvened in the next session of Parliament and that the following items should be carried forward:

- The Five Actions for Crofting
- New crofts
- Rural communications
- Croft registration fees for community landlords
- Management of predators and pests – geese in particular
- Ferry services
- Croft house loan
- Areas of Natural Constraint

The chair thanked Ryan McCabe for setting up the OdroVision livestreaming system which allowed participants to come in by video – very successfully.

9. DONM

TBC at the start of the next session.

Notes from Uist:

Geese

Greylag geese

The population of resident greylag geese on Uist is between five thousand in spring and eight thousand in the autumn, depending on whether it has been a good breeding season for them (it has been as high as ten thousand). They cause damage to arable crops, silage, hayfields and other important grass crops in the spring.

There have been various goose schemes in Uist over the past decade, with most concentrating

on providing crop protection for the valuable arable crops on the Uist machair. The most recent, the Uist Adaptive Management Pilot, aims to reduce the greylag population to an agreed target of 4,500. To that end, SNH contracts estates and individual marksmen to shoot geese over two main periods - spring shooting targets breeding pairs and autumn shooting provides some limited crop protection. The crop protection element is being funded on a reducing scale - £40k in 2014, £30k in 2015 and £20k available this coming autumn. The AM Pilot also enables the sale of greylag geese within the Uists and to final consumers elsewhere. MacLean's Bakery on Benbecula processes the geese from marksmen and produces goose products which have become very popular. There is demand for 'Uist Goose' from hotels, restaurants and cafes across the country and they are willing to pay considerably more than the Uist market but MacLeans are unable to sell to them under the current arrangements.

The AM Pilot is coming to an end next spring (March 2017) and there is concern locally as to what happens after that. From the population counts in February it looks as though the population is declining but the productivity in good weather years can easily reverse the decline.

Barnacle Geese

The barnacle goose population on North Uist has increased from 1,500 when the North Uist Machair and Islands SPA was first designated, to over 6,000 now. At designation, most of the barnacle geese were using the offshore islands but over the last decade they have moved onto the mainland of North Uist. Some of the crofters and farmers are now experiencing significant damage and we are not able to offer them a management agreement. Last year we issued two licences but the total bag limit was calculated at 62 so they received 25 each (with 12 kept back for any others). To receive a licence they have to agree to keep at least 60% of their land as a refuge but without any payment. Those with larger areas are experiencing damage in the region of £40k per year with smaller crofts perhaps a few thousand. This winter, the counts have recorded barnacle geese in South Uist as well, and the local keeper and ornithologists have confirmed that they have started using this area regularly, so it looks as though they are continuing to expand into new areas.

The North Uist crofters are not asking to be paid for scaring areas or for paid marksmen to be provided as on Islay, they are only asking to be paid for the refuge areas and to receive a sufficient bag limit to scare the geese off the better agricultural ground.

Ferrys

Potential implications for Uist crofters of new ferry timetable from Lochboisdale

At present there is free movement of livestock and animal feed on ferries sailing between Oban and Lochboisdale using transport methods perfected over many years. The port at Lochboisdale serves crofters throughout the Uists from Berneray in the north to Eriskay in the south. Sheep and cattle sold at the Lochboisdale Auction Mart are transported on modern livestock trucks to destinations as far south in the UK as Cumbria while Uist crofters can arrange to have animals they buy on the mainland delivered to Oban for onward transport to Lochboisdale. This is aided by availability of official lairage facilities at Oban (especially useful when the ferry does not sail because of bad weather or mechanical breakdown), and tractors with large livestock trailers for use on the ferries.

From April this year Calmac will introduce a new dedicated daily Lochboisdale to Mallaig route using the Lord of the Isles vessel while Barra will have its own Castlebay to Oban route using the Isle of Lewis. The Lochboisdale to Castlebay/Oban route will be discontinued and, in any case, the draught of the Isle of Lewis is too large for entering Lochboisdale.

The only road route from Mallaig to Fort William has two low railway bridges, some 400mm lower than the height of livestock trailers commonly used by hauliers serving the Lochboisdale Mart. The bridges will also have implications for lorries carrying hay.

An alternative route is by taking livestock from Lochboisdale Auction Mart to Lochmaddy in North Uist and onward to Uig in Skye which for trucks travelling to destinations towards the south of Scotland or to the north of England (where one of the main livestock buyers is based) necessitating a long detour having implications on drivers' hours and rest periods for sheep or cattle.

The other possible route is by inter-island ferry from Eriskay to Barra and then the ferry from Castlebay to Oban. However, the small inter-island ferry is limited in capacity and will not take all the trucks leaving Lochboisdale Mart.

Uist crofters buy many animals from all over Scotland and England such as bulls, rams, cows in calf, heifers, etc. Movement of these animals is strictly regulated and particular care has to be taken with calves which are sometimes bought. Availability of lairage at Oban is very important as the welfare of the animals can be controlled and movement recorded electronically at every stage.

It could be said that these animals could be transported to Castlebay and onward to Eriskay, but these movements would be unregulated and the risk of harm to the animals very much increased due to increased handling and lack of official lairage in Barra should ferries be delayed which is a frequent occurrence. There is also the question of who would hold responsibility at any particular stage in the transport process.

The transport of livestock through Oban direct to Lochboisdale has worked well over many years and should not be discontinued. The difficulties presented by the new timetable can be relieved by, for example, direct sailings so many times a week and/or special sailings at livestock sale times (as happens at present). The travelling public would not be inconvenienced if these sailing either form part of the timetable or are well publicised in advance.

Mitigation measures will need to be taken to avoid the diminution of Lochboisdale Auction Mart and to facilitate the continuation of valuable service Calmac currently provides to crofters in Uist.

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Acronyms: AC Animate Consulting; AF Assynt Foundation; ASC Assist Social Capital; CAB Citizens Advice Bureau; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CGF Common Goof Food; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CnES Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; DEFRA UK Gov Dept for Environment, Food and Rural Affairs; EC European Commission; EFNCP European Forum for Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; HC Highland Council; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; HWU Herriot-Watt University; JHI James Hutton Institute; JMT John Muir Trust; LANTRA Land-based & Environmental Industries Training; MSP Member of the Scottish Parliament; NFUS National Farmers Union Scotland; NS Nourish Scotland; NTS National Trust for Scotland; RACCE Scottish Parliamentary Committee on Rural Affairs Climate Change and Environment; RoS Register of Scotland; RSABI Royal Scottish Agricultural Benevolent Institution; RSPBS Royal Society for the Protection of Birds Scotland; SAC consulting arm of SRUC; SAS Soil Association Scotland; SCF Scottish Crofting Federation; SCFYC SCF Young Crofters; SCRG Scottish Churches Rural Group; SCVO Scottish Council for Voluntary Organisations; SG Scottish Government; SGCLSG Scottish Government Crofting Legislation Stakeholders Group; SGCSF Scottish Government Crofting Stakeholder Forum; SGRPID (RPID) Scottish Government Rural Payments and Inspections Directorate; SLE Scottish Land & Estates; SNH Scottish Natural Heritage; SPICe Scottish Parliament Information Centre; SRA Scottish Rural Action; SRN Scottish Rural Network; SRP Scottish Rural Parliament; SRUC Scottish Rural (University) College; RSPB Royal Society for the Protection of Birds; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.

ⁱⁱ Participating via OdroVision video link